

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**MICHAEL DAVID SILLS and MARY )  
SILLS, )**

**Plaintiffs, )**

**v. )**

**SOUTHERN BAPTIST CONVENTION, )  
a non-profit corporation; et al., )**

**Defendants. )**

**Case No. 3:23-cv-00478**

**Judge William L. Campbell, Jr.**

**Magistrate Judge Jeffery S. Frensey**

**JURY TRIAL DEMANDED**

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**NOTICE WITHDRAWING EXECUTIVE COMMITTEE OF THE SOUTHERN  
BAPTIST CONVENTION'S MOTION FOR A DISCOVERY CONFERENCE  
REGARDING PLAINTIFF'S FAILURE TO PRODUCE DOCUMENTS RESPONSIVE  
TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

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The Executive Committee of the Southern Baptist Convention requested a discovery conference because Plaintiffs served only a subset of responsive documents five months after the ECSBCs' Requests for Production were served. At the time, Plaintiffs provided no timeline for when their production would be complete. On Friday, April 26, 2024, Plaintiffs made a second production, which they confirm substantially completes their responses to the ECSBC's requests. Thus, the ECSBC no longer requests a discovery conference.

Somewhat ironically, in response to the ECSBC's motion, Plaintiffs request a "discovery conference" to request an extension of time on nearly all deadlines in this case except for trial. This request does not comply with Local Rule 6.1(a)(1) or the Initial Case Management order (ECF No. 99 at 7) because it is not made by written motion.<sup>1</sup> It also did not "detail the moving

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<sup>1</sup> Federal Rule of Civil Procedure 7(b)(1) also requires requests for a court order to be made by motion.

party's efforts at diligently complying with the originally scheduled deadline and the facts demonstrating good cause for modification of the deadline as required by Fed. R. Civ. P. 16(b)(4).” (ECF No. 99 at 7.) It failed to do so because Plaintiffs did not diligently attempt to comply with the originally scheduled deadline; they waited until last week – *eight months after discovery began* – to serve their first set of Requests for Production on certain defendants. Nevertheless, at this stage, Plaintiffs’ request should be denied without prejudice so that Plaintiffs may file a motion for a modification of the scheduling order and allow all defendants an opportunity to respond.

Finally, the ECSBC did not violate the Local Rules, as Plaintiffs contend. Plaintiffs admit the parties met and conferred about the status of Plaintiffs’ document production. (Resp. to Mot. for Discovery Conference ¶ 5.) Plaintiffs promised a proposal by the end of that day but did not send one. (Email Post-Discovery Conference, Exhibit 1.) The ECSBC filed its motion for a discovery conference on April 22, and on April 24, Plaintiffs sent a letter, calling ECSBC’s motion “contumacious.” (Letter to ECSBC, Exhibit 2.) The ECSBC responded, explaining that the motion does not violate the Local Rules (including because the Court’s Initial Case Management Order instructed the parties to not file a Joint Discovery Dispute Statement unless requested (ECF No. 99 at 5)), and Plaintiffs had not identified good cause for any extension of time. (Email to Plaintiffs, Exhibit 3.)

The Court need not go through the back-and-forth of the parties. The ECSBC withdraws its motion for a discovery conference, and requests that the Court deny Plaintiffs’ motion for a schedule modification embedded in their response without prejudice.

Respectfully submitted,

s/ Brigid M. Carpenter

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### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Notice was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular United States mail. Parties may access this filing through the Court's electronic filing system.

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***Guidepost Solutions, LLC and  
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this 30th day of April, 2024.

s/ Brigid M. Carpenter

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